

where the parties so prosecuted are not convicted the informer shall pay all costs of suit incurred, and all informers' names shall be endorsed upon the back of the indictment information or warrant of arrest."

Mr. Ford offered the following which was accepted: Strike out all after the word "convicted" and insert "The Judge or Court trying the same is satisfied that the defendant is prosecuted through malice or a desire to inquire him shall adjudge the cost of prosecution against the prosecutor."

The bill and proposed amendments were then referred to a Select Committee of Four and Messrs. Maxey, Guinn, Ford, and Lea were announced.

Mr. Selman introduced a joint resolution relative to the Confederate States owning property for forts, dock yards, etc. Read 1st and 2nd times and referred to Committee on Confederate Relations.

The Senate then adjourned until 10 o'clock A. M. tomorrow.

Senate Chamber, Thursday, November 18, 1863
10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

A joint resolution asking the repeal of all property exemption and property detail laws was reported correctly engrossed.

The following bills were reported by the Judiciary Committee with the recommendation that they do not pass.

A bill to amend the existing law regulating the disposition of the estates of decedent.

A bill to amend the third part of the Criminal Code.

A bill to fix the prices of articles of necessity therein mentioned.

The Select Committee reported a substitute for a bill to prevent Sabbath breaking.

Mr. Selman introduced a joint resolution proposing an amendment to the State Constitution. Read 1st and 2nd times and referred to the Judiciary Committee.

A bill to further regulate proceedings in the Supreme Court was read 2nd time.

Mr. Hartley offered the following amendment: "Pro-

vided it shall appear to the Court that all the parties in interest are properly represented by counsel and in case it shall not so appear the Court shall pass such case and proceed to the adjudication of other cases."

The further consideration of the bill was then postponed until Monday next at 11 o'clock A. M.

A bill donating land to Texas soldiers was made special order for tomorrow at 11 o'clock A. M.

The substitute of Committee to a bill to prevent Sabbath breaking was adopted.¹⁶

Mr. Dickson moved to exempt postmasters and ferry-men from the provision of the bill. Carried.

Mr. Harcourt offered the following: "Provided that this act shall not apply to any work done on sugar plantations during sugar making season."

Mr. Hartley offered to amend the proposition by extending it to provide for the saving of any crop.

The propositions were laid on the table.

Mr. Mitchell then proposed as an amendment to exempt persons engaged in the vocation of stock raising, which proposition was tabled by a vote of 14 to 12.

Mr. Guinn moved to amend by striking out the words "or society." Adopted.

Mr. Lea moved to insert the word "time" before "or seasons." Adopted.

¹⁶Two versions of the bill are as follows:

(A) A BILL

- To be entitled an Act to prohibit Sabbath breaking
- Sec. 1 Be it enacted by the Legislature of the state of Texas, That no work or business shall be done or performed on the first day of the week commonly called the Sabbath day, except the ordinary household offices of daily necessity or charity. If any person on the Sabbath day shall himself be found at his own or any other trade or calling, or shall employ his apprentices, servants or slaves or other person, bond or free, in labor, or other business, whether the same be for profit or amusement, unless such as is permitted above, he shall be fined not less than two dollars and not more than five dollars for each offense. Every person bond or free, servant or apprentice, so employed shall be deemed a separate offense. Persons who are of any religious opinions, who observe as a Sabbath any other day in the week than the Christian Sabbath, shall not be liable to the penalty prescribed in this section, if they observe as a Sabbath, one day in each seven as herein provided.
- Sec. 2 Nothing in this act shall prevent ferrymen crossing travelers and others over any stream or prevent stage drivers and engineers and conductors on railroad cars from performing their legitimate calling as such.

Mr. Durant offered the following: "Section___: Any person who may keep open on the Sabbath day any billiards, saloon or ten pin alley or any person who shall play at either of these games on the Sabbath shall be subject to the like penalty as is inflicted in Section 5."

Mr. Shepard moved to strike out "5" and "10", "50", and "100." Lost.

Mr. Guinn proposed to amend Mr. Durant's proposition by inserting "for each game played." Adopted. The amendment was then adopted.

Mr. Harcourt proposed to amend the caption as follows: "An act to set apart the Lord's Day as a day of rest." Strike out "Sabbath" and insert "Lord's Day." Lost.

A message from the House announced the passage of a bill to authorize an election in Dallas County. Read 1st time, rule suspended, read 2nd time, and passed to 3rd reading. Rule suspended, read 3rd time and passed.

Whereupon the Senate adjourned until 9 o'clock A. M. tomorrow.

Sec. 3 The district courts and Justices of the peace shall have concurrent jurisdiction of the offense herein named.

(B) A Bill to be entitled an act to prohibit
Sabbath Breaking

- Sec. 1 Be it enacted by the Legislature of the state of Texas that if any person shall himself or require or compel his apprentices, servants or slaves to perform on the Sabbath day any labor except of actual or urgent necessity suddenly arising, and the customary household duties of daily necessity and comfort and labors of charity shall be deemed guilty of a misdemeanor, and on conviction thereof before a district court or Justice of the Peace shall be fined therefor not less than two dollars and not more than five dollars for each offense, and each person so employed shall be a separate offense provided however that stage drivers, post masters, ferrymen, engineers and conductors on rail roads in the legitimate discharge of their duties as such shall not be liable to the provisions of this act, nor shall travelers, waggoners or teamsters on the road in such employment be liable to the penalties of this act.
- Sec. 2 Be it further enacted that any manager of a manufacturing establishment which is required to be run constantly at any particular time or season shall not be guilty of the offense mentioned in the 1st Section by running said machinery on the Sabbath.
- Sec. 3 Any person who conscientiously keeps any than the Sabbath provided he or they shall actually keep any one day in the week as a day of rest.
- Sec. 4 If any person shall in any wise engage on the Sabbath day in running a horse race or training a horse for a race on any tract used for running races, or who may be concerned in the same, or who shall be engaged in shooting at a target or hunting on the Sabbath day